

**Letter O-11 – Ken Osborne (EHL-O-6)**

**O-11-1** The County acknowledges and appreciates the comment. It will be included as part of the FEIR and considered by the decision makers. However, the comment provides introductory information to the commenter and the letter that does not raise any issue or make any substantive comment with regard to the adequacy of the DEIR. For that reason, the County provides no further response to this comment.

**O-11-2** The first paragraph of this comment provides the commenter's opinion on the decision by the Wildlife Agencies to mitigate impacts to QCB through regional conservation planning, weed control, restoration, and research. The second paragraph of this comment includes a comparison of the proposed Project to other projects, predominantly within Riverside County, and the concern that the proposed Project will result in the extirpation of QCB.

As stated in Response to Comment O-7-4, the County does not concur with the comment that the proposed Project and alternatives would likely result in QCB population decline and possible extirpation. The Project applicant, County, and Wildlife Agencies have worked cooperatively to design a project that will avoid and minimize impacts to QCB to the greatest extent feasible while still obtaining Project objectives. The proposed Project has provided mitigation for this species through habitat preservation at a 2:1 ratio and through preparation and implementation of the QCB Management/Enhancement Plan (refer to page S-23 of the Summary provided in the DEIR, mitigation measures M-BI-9a and M-BI-9b). In addition, the rationale for selecting the alternatives is discussed in the DEIR and Alternative G is considered the environmentally superior alternative.

The third paragraph of the comment provides a detailed discussion and description of the biology of the QCB. The County acknowledges and appreciates the comment. It will be included as part of the FEIR and considered by the decision makers. However, the comment provides descriptive natural history information from the commenter and does not raise any issue or make any substantive comment with regard to the adequacy of the DEIR. For that reason, the County provides no further response to this comment.

**O-11-3** Surveys for QCB were conducted in 1999, 2000, 2004, 2008, and 2016. Each of these surveys was performed according to the most current USFWS survey guidelines available for the year in which the survey was conducted or was approved by the USFWS for a deviation from the protocol. The USFWS survey protocol and recovery permit qualifications do not require a surveyor to hold a permit specifically to survey for larvae. Surveys were conducted over multiple years, thus resulting in a compilation of occurrence data over a time span rather than just one survey season.

The most recent survey was conducted in accordance with the 2014 protocol as modified and approved for deviation by the USFWS. This protocol required mapping of adult butterflies, larvae, and host plant density. Based on the distribution of the adult butterflies from the survey as well as the distribution of QCB resources such as ridgelines and hilltops, a total of 483 acres of potentially occupied habitat would be impacted by the proposed Project. The impact analysis was

not based on the number of adult butterflies observed or the acreage of host plant within the development footprint. During the focused surveys, the entire site was covered, the only exception being the 2016 surveys, which excluded small areas where the chaparral had grown so dense that the area could not be surveyed without breaking limbs of the shrubs. All biologists covering the surveys held an active 10(a)(1)(A) permit and conducted the survey under protocol conditions that were appropriate during that survey year. The most recent data has been included in the revised Biological Resources Technical Report and was conducted using a lower survey rate to survey no more than 60 acres per day. Larval surveys are not provided under any protocol; however, during the host plant mapping, any larvae observed were recorded. The host plant mapping was done completely separately from the butterfly surveys and was conducted by botanists with a handheld device to record the density of the host plant population.

**O-11-4** The DEIR addresses cumulative impacts to species not covered by the County's MSCP. For example, the DEIR evaluates the Project's potential to make a cumulatively considerable contribution to any significant cumulative impact on the following non-covered species and habitat: QCB, vernal pools, and San Diego fairy shrimp. A review of projects within the MSCP Subarea Plan South County Segment was conducted to assess the cumulative impact of the proposed Project on these resources. Absent mitigation, the Project would result in a project-specific significant impact to the QCB and its habitat. This same impact, if not mitigated, would constitute a cumulatively considerable contribution to cumulative effects on QCB. As shown below, however, proposed mitigation measures will preserve 966 acres of QCB habitat, consisting of 962 acres of preservation and 4 acres of restoration onsite, and the proposed boundary line adjustment will result in a net gain of 13 QCB sighting areas within the preserve due to the improved preserve configuration. See Global Response R4: Quino Checkerspot Butterfly. Regardless of whether and when the County adopts a Quino Amendment to the MSCP County Subarea Plan South County Segment, these measures will reduce the Project's contribution to cumulative impacts on QCB to less than cumulatively considerable, as that term is defined and used in CEQA Guidelines Section 15130.

Cumulative impacts for QCB were evaluated by reviewing past, present, and future projects within the MSCP Subarea Plan South County Segment that included impacts to QCB. Projects with proposed QCB impact include the Otay Tech Center; Otay Mesa Generating Project; East Otay Mesa Landfill; Otay Hills Quarry; Otay Ranch Villages 14, 16, and 19; and Otay Business Park.

- The Otay Tech Center is a 171-acre project northeast of Otay Mesa Road and State Route 905. This project was required to purchase 5.4 acres of native grassland and 48.6-acre of non-native grassland.
- The Otay Mesa Generating project is a 46-acre site on the east side of Altra Road north of Otay Mesa Road. Mitigation includes purchase of 35.9 acres of QCB habitat.
- East Otay Mesa Landfill is a 450-acre site in the East Otay Mesa area approximately 2 miles east of the Siempre Viva Road exit from Interstate 905. Impacts are to 340 acres that were not identified as to habitat type. Mitigation required for QCB was not identified but will likely be required.

- Otay Hills Quarry is a 210-acre site that includes a 112-acre impact area, of which 99.2 acres is composed of sensitive vegetation communities. QCB is known to be present on the site. Mitigation for the impacts to QCB was not identified but will likely be required.
- Otay Ranch Villages 14 and Planning Areas 16 and 19 include three development areas within the Proctor Valley Parcel of the Otay Ranch. The villages are located along Proctor Valley Road between Chula Vista and Jamul. Development within Village 14 and Planning Areas 16/19 would occur on approximately 722.6 acres. Although Quino checkerspot butterfly, federally listed as endangered, this species has not been observed within the Village 14 and Planning Areas 16/19 area during the 2 years (2015 and 2016) of focused surveys conducted for the Proposed Project, the species has been observed within and adjacent to the Project Area. The Proposed Project would result in impacts to 793.7 acres of potential habitat. Approximately, 404.8 acres would be conserved within the Otay Ranch RMP Preserve with an additional 156.1 acres within Conserved Open Space and non-graded LDA and 350.1 acres of potential habitat to be added through off-site preservation. The Project Area includes 813.9 acres of USFWS designated critical habitat for this species, of which 502.3 acres would be impacted by the Proposed Project. Specifically, 274.6 acres is located in the Otay Ranch RMP Preserve. The remaining 37 acres is within Conserved Open Space. These impacts would be mitigated to less than significant through implementation of the following measures, described in Section 2.4.6 of the Otay Ranch Village 14 DEIR: M-BI-3 (habitat conveyance and preservation), M-BI-4 (biological open space easement), M-BI-5 (permanent fencing and signage), M-BI-8 (Quino checkerspot butterfly take authorization), M-BI-9 (Quino checkerspot butterfly habitat preservation), and M-BI-10 (Quino checkerspot butterfly management/enhancement plan). The Quino checkerspot butterfly specific habitat mitigation for the Village 14 project, M-BI-9 is as follows:
  - M-BI-9 Quino Checkerspot Butterfly Habitat Preservation (Village 14). The Proposed Project shall convey 404.8 acres of potential habitat for Quino checkerspot butterfly. In addition, per M-BI-4, an biological open space easement shall be placed over 72.4 acres of potential habitat within Conserved Open Space. As a condition of the RMP, and open space easement will be placed over 83.7 acres of potential habitat within non-graded LDA. Therefore, 560.9 acres of potential habitat for Quino checkerspot butterfly shall be conveyed to the Otay Ranch Resource Management Plan Preserve or not be impacted by the Proposed Project. An additional 350.1 acres of conveyance is required for the Proposed Project's impacts and shall be selected to include suitable Quino checkerspot butterfly habitat. For the off-site mitigation parcel(s) to be acceptable as mitigation for sensitive plant and wildlife species, including Quino checkerspot butterfly, vegetation within the off-site parcel must be mapped and the site must have suitable habitat to support Quino checkerspot butterfly per the survey guidelines definition of habitat. Thus, the Proposed Project shall provide mitigation acreage at a ratio in excess of 1:1 (preservation of 1 acre for every 1 acre of impact) and shall adequately mitigate impacts to potential Quino checkerspot butterfly habitat. This mitigation measure also satisfies the mitigation requirements for those portions of the Project Area subject to the Biological Mitigation Ordinance. These areas shall be managed under a Quino Checkerspot Butterfly Management/Enhancement Plan, as discussed further in M-BI-10 for Village 14.
- The Otay Business Park is a 162-acre site southeast of the intersection of Alta Road and Airway Road. The mitigation required for QCB has not yet been determined.

The proposed Project and the cumulative projects discussed above provide project-specific mitigation to reduce Project impacts to less than significant levels on an individual basis, and, where applicable, must contribute to the achievement of planning goals for the MSCP, including preservation of sensitive resources. Importantly, the project-specific mitigation for impacts to QCB also operate as mitigation for each project's contribution to the cumulative impacts on the species, thus rendering those contributions less than cumulatively considerable. The proposed Project meets that goal because it has been designed to minimize impacts to QCB. The County is preparing a draft amendment that addresses the conservation needs of the QCB in the context of projected growth and future and known projects within the MSCP. The MSCP and associated environmental documentation address projected cumulative and growth-inducing impacts to Covered Species and their habitats. The County, however, has yet to adopt the Quino Amendment to the MSCP. Therefore, the Project applicant has proposed mitigation measures that (i) would be consistent with the stated goals of the draft Quino Amendment, and (ii) would independently avoid or mitigate project-level biological impacts to QCB and its occupied habitat. Therefore, the Project's contribution to cumulative impacts on QCB would be mitigated to less than cumulatively considerable in one of two ways. Either (a) the County will adopt the Quino Amendment, in which case all cumulative impacts on QCB within the MSCP area will be deemed mitigated to a less than significant level, or (b) the Project applicant will implement the preserve design and other mitigation measures described herein and independently reduce to less than cumulatively considerable the proposed Project's contribution to cumulative impacts on QCB.

**O-11-5** The County acknowledges and appreciates the comment. It will be included as part of the FEIR and considered by the decision makers. However, the comment provides general information regarding impacts on QCB, and does not raise any issue concerning the adequacy of the DEIR. This comment introduces a comparison of the proposed Project to another similar project that is discussed below in Response to Comment O-11-6. For that reason, the County provides no further response to this comment.

**O-11-6** The commenter provides a detailed comparison of the Hogbacks within the Murrieta region of Riverside County to the proposed Project. The commenter expresses the opinion that because the development within the Hogbacks correlates with the extirpation of QCB, the similarity of the Project site to the Hogbacks may result in similar extirpation.

Specifically, the commenter states that QCB populations are likely to fail within Village 13 regardless of preservation: "The nature and extent the failed Quino population experience at the Hogbacks appears to closely parallel the nature and extent of impacts that would be experienced due to a Village 13 development north of Otay Reservoir." The County disagrees with the assertion the proposed Project is comparable to the Murrieta Hogbacks Project in Riverside County. While the Hogbacks may be similar in size, the region is dissimilar to the Village 13 site because it is located in a "cul de sac" or dead end for movement of wildlife. The Village 13 site, in contrast, is connected in all directions to suitable habitat for QCB as well as numerous other wildlife species. The proposed Project will not include many of the factors that resulted in impacts at the Hogbacks. There will be no grazing and trampling of larvae by cattle, and no recreational activities will be allowed within the Preserve. The habitat will be managed and

enhanced to preclude non-native invasive plant species. The Preserve will be monitored, not by a regional county governed staff but rather by the Preserve Owner Manager. The Preserve will also be managed in accordance with mitigation measure M-BI-9b, the preparation of the QCB Management/Enhancement Plan. The Preserve includes all of the habitat features used and important to QCB including host plant, nectar source, and shrub cover, as well as open areas, ridgelines, and hilltops. The Preserve includes flat and sloped topography and varying aspects. There is connectivity to the north, east, and south and there are QCB documented within all of those locations as well as to the west within the Salt Creek open space. A biological open space easement will be placed on the Otay Ranch RMP Preserve and Conserved Open Space onsite, for a total of 1,177.03 acres. Alternative H proposes to conserve approximately 1,107.72 acres of suitable, restored, or occupied coastal sage scrub for QCB onsite, all of which is located within the existing Otay Ranch RMP Preserve and Conserved Open Space areas. Thus, impacts to suitable habitat for QCB (389 acres) would be mitigated at a mitigation ratio of at least 2.85:1. The Project will require take authorization, such as through the Section 7 process, in accordance with the federal Endangered Species Act and as provided in the project mitigation measures. See Global Response R4: Quino Checkerspot Butterfly.

**O-11-7** The County acknowledges the importance of the Otay Mesa and Proctor Valley populations of QCB. The Project applicant and the County, with input from the Wildlife Agencies, have worked cooperatively to minimize impacts to QCB to the greatest extent feasible while still fulfilling Project objectives. The proposed Project has provided mitigation for this species through habitat preservation and the QCB Management/Enhancement Plan (refer to page S-23 of the Summary provided in the DEIR, mitigation measure M-BI-9b). Other Core populations are present within proximity, specifically south of the proposed Project. This core population is connected to the proposed Project specifically as a result of the MSCP Boundary Adjustment that is proposed for the Project, and which was coordinated cooperatively with the Wildlife Agencies since the adoption of the South County Subarea MSCP.

**O-11-8** See Response to Comment O-7-4 regarding mitigation and alternatives.

**O-11-9** See Response to Comment O-11-7.

**O-11-10** The County acknowledges and appreciates the comment. It will be included as part of the FEIR and considered by the decision makers. However, the comment does not present any issue or include any substantive comment about the adequacy of the DEIR; for that reason, no further response is needed or required.

**O-11-11** The County acknowledges and appreciates the inclusion of references cited within the comment letter. The comment will be included as part of the FEIR. However, this does not raise any new issue or include any new substantive comment concerning the adequacy of the DEIR. For that reason, the County provides no further response to this comment.